



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,439	10/06/2005	Ryoji Asada	28951.5415	8928
27890 7590 07/08/2009 STEP TOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036				
EXAMINER				
CHEN, CHIA WEI A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
07/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,439

**Applicant(s)**

ASADA ET AL.

**Examiner**

CHIA-WEI A. CHEN

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claim 1 and its dependent claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Soya (US 7,394,484), cited in a prior action.

Claim 1, Soya teaches an imaging apparatus (Fig. 2), comprising:

a control setting section (processing block 6, photographing plan memory 13) for setting at least one of a frame mode of an imaging section and a photographing parameter of the imaging section (for varying the photographing intervals and exposure time; col. 11, lines 3-5),

an automatic switch setting section in which setting contents to be automatically switched in the control setting section and a set time for implementing the contents are set (The photographing plan memory 13 stores a predetermined photographing plan prepared in advance, and sets photographic conditions based on the photographing plan; col. 11, lines 1-3), and

a system control section for detecting operation of an operation switch (sensor 4 acts as a trigger) and automatically switching the frame mode and the photographing parameter in parallel in a predetermined order according to a setting of the automatic switch setting section (when the trigger signal is generated, photographing plan can change the photographing speed and exposure time. In the first embodiment of Soya, a high photographing speed is switched from a low photographing speed when a trigger is generated; col. 12, lines 16-23.)

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 3, 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soya (US 7,394,484).

Claim 3, incorporates the rejection of claim 1, Soya further teaches wherein the system control section is for detecting that the operation switch is operated in a set time of a current setting, and forcibly performs automatic switching to subsequent setting contents of the automatic switch setting section (photographing mode is switched to subsequent contents of photographing plan in response to a trigger; col. 12, lines 16-23).

Soya does not expressly teach wherein the trigger is input multiple times and wherein the photographing plan is switched accordingly.

However, it would have been obvious to a person having ordinary skill in the art to have recognized that the photographing plan may be changed to account for multiple assertions of a trigger signal in order to capture multiple scenes (or as Soya teaches, explosions) consecutively. That is, it would have been obvious to have extended Soya's example of a single explosion capture to multiple explosion captures.

Claim 8 incorporates the rejection of claim 3, Soya further teaches a memory section (photographing plan memory 13) for storing history of corrections made to a set time when the operation switch is operated again (in Fig. 3, the second column from the left indicates whether or not a trigger is generated by the trigger generating circuit; col. 11, lines 30-34).

Claim 9 incorporates the rejection of claim 3, Soya further teaches a memory section for storing history of corrections (photographing plan memory 13) made to a set time when the operation switch is operated again (in Fig. 3, the second column from the left indicates whether or not a trigger is generated by the trigger generating circuit; col. 11, lines 30-34), wherein the system control section can replace the set time of the automatic switch setting section with another according to a record of the memory section (The sequence of variable frame rates of a video capture may be predetermined using a table as found in Figs. 3 and 8 of Soya. The frame rates are automatically changed as a certain number of frames in each stage are captured; col. 14, lines 47-63, col. 11, lines 1-60).

Claim 10 incorporates the rejection of claim 3, Soya further teaches:

a memory section for storing history of corrections (photographing plan memory 13) made to a set time when the operation switch is operated again (in Fig. 3, the second column from the left indicates whether or not a trigger is generated by the trigger generating circuit; col. 11, lines 30-34), and

a recording/reproducing section which records and reproduces an imaging signal, wherein the system control section can replace the set time of the automatic switch setting section with another according to a record of the memory section, and history information of the memory section is recorded with the imaging signal by the recording/reproducing section (The sequence of variable frame rates of a video capture may be predetermined using a table as found in Figs. 3 and 8 of Soya. The frame rates are automatically changed as a certain number of frames in each stage are captured; col. 14, lines 47-63, col. 11, lines 1-60).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soya in view of Bean (US 2003/0146981).

Claim 7, Soya teaches the imaging apparatus according to claim 1, further comprising a display for displaying information on the video (col. 18, lines 55-56), but does not expressly teach a display section for displaying a state of a current frame mode or photographing parameter.

However, Bean teaches a display section (display 150) for displaying a state of a current frame mode or photographing parameter (user may be provided with feedback in the form of indicia displayed on the camera display; paragraph 0022).

It would have been obvious to a person having ordinary skill in the art to have used the teaching of Bean with that of Soya in order to notify a user a photographing mode has been switched so that a user can adjust the camera accordingly.

***Allowable Subject Matter***

7. Claim 6 is allowed.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loui (US 7,110,025) teaches a digital camera for capturing a sequence of full and reduced resolution digital images and storing motion and still digital image data.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-WEI A. CHEN whose telephone number is (571)270-1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Application/Control Number: 10/552,439  
Art Unit: 2622

Page 8

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622

/C. A. C./  
Examiner, Art Unit 2622